



U.S. Department of Justice

United States Attorney  
Southern District of New York

86 Chambers Street  
New York, New York 10007

August 10, 2017

**BY ECF & EMAIL (Torres NYSDChambers@nysd.uscourts.gov)**

Honorable Analisa Torres  
United States District Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl Street  
New York, New York 10007

Re: *Lonnette Greene v. Ben Carson; Deshler Apartment Associates, L.P.*, 14-cv-03676 (AT)

Dear Judge Torres:

This Office represents defendant Ben Carson, in his official capacity as Secretary of Housing & Urban Development (“HUD”), in the above-referenced matter. On July 10, 2017, Your Honor issued an Order remanding the matter to HUD for consideration of plaintiff Lonnette Greene’s (“Plaintiff”) claim to a Section 8 subsidy. *See* Dkt. No. 114. In addition, the Court ordered the parties to submit a status report by today, and every 60 days thereafter. *See id.* On behalf of the parties, HUD respectfully submits this letter as a status report to the Court.

Under Federal Rule of Appellate Procedure 4(a)(1)(B), the government has 60 days from the date of judgment, or until September 8, 2017, in which to file a notice of appeal. The authority to authorize an appeal rests solely with the Solicitor General. *See* 28 C.F.R. § 0.20(b). The government is currently in the process of determining whether to appeal the Court’s order. Such an appeal, if authorized and pursued, could result in the modification or elimination of HUD’s obligations to take further administration action as directed by this Court’s ruling. Accordingly, to date, HUD has not undertaken any review of Plaintiff’s claim to a Section 8 subsidy.

We thank the Court for its consideration of this submission.

Respectfully submitted,

JOON H. KIM  
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Southern District of New York

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